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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Diana Carolina Sarita Pena,

Plaintiff,

v.

Alejandro Mayorkas, in his official capacity as
Secretary of U.S. Department Homeland
Security; U.S. Department of Homeland
Security; Ur M. Jaddou, in her official
capacity as Acting Director of U.S.
Citizenship and Immigration Services; United
States of America; and John Does 1 through
XX, inclusive.

Defendants.

Case No. 2:23-cv-01293-APG-EJY

**Stipulation and Order to Extend the
Time to File a Responsive Pleading to
Complaint for Injunctive Mandamus
Relief**

Plaintiff Diana Carolina Sarita Pena and Defendants, Alejandro Mayorkas,
Secretary of U.S. Department of Homeland Security; U.S. Department of Homeland
Security, Ur Mendoza Jaddou, Director, U.S. Citizenship and Immigration Services
(USCIS), and United States of America; (collectively "Defendants"), hereby stipulate and
agree as follows:

1. On August 21, 2023, Plaintiff filed a Complaint for Mandamus Relief
pursuant to 8 U.S.C. § 1255(a), asking this Court to compel Defendants to adjudicate
Plaintiff's Form I-485, Application to Register Permanent Residence or Adjust Status within
thirty (30) days of the filing of the Complaint, or within a time deemed reasonable by this
Court.

1 2. On August 30, 2023, Plaintiff served the United States with a copy of the
2 Summons and Complaint. An Answer or other response to the Complaint is due on
3 October 24, 2023.

4 3. Plaintiff and Defendants are working to resolve this matter without further
5 involvement by the Court. Defendants, specifically USCIS, in reviewing Plaintiffs' Petition,
6 determined that it needs additional evidence from Plaintiff.

7 4. On September 12, 2023, USCIS issued Requests for Evidence ("RFE") to
8 Plaintiff. Plaintiff's response to the RFE is pending.

9 5. Because further consideration of Plaintiff's Application may allow for
10 resolution of this case without judicial intervention, the parties respectfully request a sixty
11 (60) day extension from the current October 24, 2023 deadline to file a responsive pleading.
12 If the stipulation is approved, the Defendants' deadline to file a responsive pleading will be
13 December 26, 2023.

14 6. This motion is for good cause and not any improper purpose. The Parties
15 believe there will be no prejudice to the Plaintiff if the Court grants the motion.

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1 WHEREFORE, Parties respectfully request an extension of time of sixty (60) days,
2 up to and including **December 26, 2023**, for Defendants to file a responsive pleading to the
3 Complaint.

4 Respectfully submitted this 20th day of October 2023.

5 REZA ATHARI, MILLS & FINK, PLLC
6 A Multijurisdictional Firm

JASON M. FRIERSON
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/s/ Virginia T. Tomova
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11 *Attorneys for Plaintiff*

Attorneys for United States of America

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14 **IT IS SO ORDERED:**

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16 **UNITED STATES MAGISTRATE JUDGE**

17 **DATED:** October 20, 2023
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